

ORIGINAL

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
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CLERK, U.S. DISTRICT COURT
By _____ Deputy _____ djy

In the United States District Court for the Northern District of Texas
Dallas Division

Jamal Elhaj-Chehade
plaintiff

Vs.

Educational Commission for Foreign Medical Graduates
Et al entities and individuals) Defendants

3:99-CV-0680-D/BC

Plaintiff's notice of appeal before a district judge

Plaintiff's motion to transfer and consolidate

**Plaintiff's motion to leave for relief from final order/judgment
/and motion to reopen this case**

April 21, 2002

Comes now on this date. The plaintiff's is filing his notice to appeal before a USDC judge and to transfer this case to be Consolidated with the proceeding of the case 3:01-CV-1301-L now pending in this USDC court as follow

Introduction and History

1- This plaintiff's appeal is purely and must not be construed as an substitute to the plaintiff claims that all the orders rendered already in this case lack the validity and merits(in reality all the orders, because of their lack of validity and legitimacy, are void and there is nothing to be appealed). All orders and judgments already made are unconstitutional, with fabricated proceeding, and without the appropriate and legitimate consent by the plaintiff to proceed before a Magistrate judge(consent under improper conditions of duress, deceit, ex parte Communication and intimidation etc... against the plaintiff. And that the orders are made to protect the defendants ECFMG from their liabilities for creating the conditions that led to a lawsuit between the plaintiff and UTSW(see the case 3:98-CV-1622-P)

Reasons for the appeal

The appeal to be followed by transfer and consolidation with the case 3:01-CV-1301-L now pending in this court, will reduce the costs and better expose the defendants violations and evidences and increase the efficiency of the court and better serve the justice administration. Therefore this appeal would serve as one mean to allow the plaintiff the relief he is entitled.

2- The defendants ECFMG admitted to the US Government in their income tax filings that they are created as tax exempt status because they owe the plaintiff (all FMGs/IMGs) a lifetime duty to assure his excellence, promotion, advancement ... by assessing and evaluating his NEEDS and accommodate those NEEDS by creating opportunities and programs and policies that meet those NEEDS (see the case 3:01-CV-1301-L). Therefore the resultant denial (of the plaintiff) of any portion of appropriate relief constitutes a new change in the defendants policy and a new meaning (new cause of action) and violations of the 501-3-C code and the defendants

charter(3:01-CV-1301-L). This denial of relief is not a NEED, and therefore the plaintiff is entitled for relief from any injustice, and new proceeding must be initiated. The US public cannot imagine how low and miserable the justice system has become under the influence and infestation of the defendants.

- 3- The plaintiff asserts that any accomplishment of the defendants at the expense of the plaintiff(whether it is a legal matter or unjust enrichment or the alternatives..) does not constitute a plaintiff's NEED and therefore they constitute new violations (new policies or cause of actions) for which the plaintiff is entitled for relief. Deprivation of relief is not a NEED.
- 4-

Reasons for relief of judgment and new proceeding.

Pursuant to Federal and other applicable rules of Civil procedures, FRCP 60, FRCP 60-b and 60-B-3 , 28 USCA, id , the plaintiff is filing his motion to grant from relief in final judgment and to reopen this case as follow:

- 1- the order or judgment is abusive and subject the plaintiff to further violations and harmful consequences that may be irreparable injustice.
- 2- The supremacy of the US Constitution and the international treaties take precedences
- 3- there is an Ex parte communication between the defendants and the court and the defendants attorney admitted to such long ongoing communication on April 11, 2002 at 1:03 PM during a telephonic conversation when the defendants attorney arrogantly admitted to such communication claiming that the ECFMG and their hired guns are the laws and everybody in the justice system is hired by them. however the defendants attorney refused to elaborate further.
- 4- there were frauds committed by the defendants and the court that prevented the plaintiff from properly addressing his case. and due process and hearing or arguing the cases were lacking.
- 5- there are new development and discovered evidences
- 6- the order was based on opinion by the Magistrate judge that requires the consent of the plaintiff. The plaintiff consent is inappropriate being done **under duress** and intimidation and false promises. Therefore, the magistrate judge order is void and all the subsequent orders are deemed null and invalid.
- 7- The order is oppressive.
- 8- The proceeding was **fabricated** as to give the defendants several advantages including delay in the proceeding for nine months, and refusal to allow the inclusion of this case under the case against UTSW see case 3:98-CV-1622-P Consolidated. The court refusal to include the ECFMG as a defendants in the case 3:98-Cv-1622-P prevented the plaintiff from fully and properly addressing his claims. And the plaintiff was not allowed to conduct his deposition of the defendants.
- 9- there are circumstances of the case present grounds justifying relief
- 10- the plaintiff present a meritorious claim in the first instance Cobos v. Adelphi University, 179 F.R.D. 381
- 11- the relief will correct clear legal error
- 12- there are extraordinary circumstances

- 13- the relief will prevent a manifest injustice. *A- CalCopiers, Inc.v. North American Van Lines, Inc.*, 180 FRD 183
- 14- the plaintiff did file motions to vacate and raise substantial matters soon after the order in January 2001. the defendants did not reply and the court is yet to rule upon it(or at least the plaintiff was not served)
- 15- the plaintiff attempted to protect his interests by filing an appeal therefore meeting the requirement to relief from judgment under USCA-5 rules from exempt from judgment
- 16- this case must be reopen for a new proceeding if the courts are for justice. Honorable President Bush said in his campaign against terror: "...Those who harbor, defend, side with, or advocate terror are also terrorists... you are either with us or against us.." the same analogy apply here is that every party who sides with the defendants, or defends the defendants in their violation shall consider himself as if he or she is consenting to be subjected to the same type of violation.
- 17- There are abuses of discretion in every court, and the plaintiff exhausted all the appeals thereby meeting the requirements of the USCA-5 rules that justify relief from judgment.
- 18- The plaintiff requests always include an injunction relief and the courts never address the matter yet.

Relief

Wherefore premises Considered, the plaintiff prays that upon consideration and proper hearings in which all the **parties be present in court before judges**. That this court upon the proper hearing and introduction of **new evidences**, this court allow for relief from final judgment in this case and be reopen this case for a new and further proceeding, transferred to and consolidated with 3:01-CV-1301-L and to include an injunction relief from the abuse of the defendants and trial solely by **Jury**. In the meantime the plaintiff is reaffirming his URGENT request to have the defendants assess and evaluate the plaintiff's NEEDS and accommodate those NEEDS now and immediately and this should serve as the proper notice to do so or until all technicalities are met if any.

Certificate of Service: this should serve as a notice that this notice filed after the conference and notice with the defendant attorney on April 21, 2002 via email and the plaintiff never have a reply from the defendants. And that the plaintiff is hereby certify that a true copy of the foregoing has been sent to the defendant via their attorney MRS Susan Schwartz at 6688 N Central Expway # 850 Dallas, Texas 75206-3913 and via email and via USPS regular on April 23, 2002

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